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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,380	08/28/2003	Michael J. Lencoski	3475.118	7320

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EXAMINER

DESAI, HEMANT

ART UNIT PAPER NUMBER

3721

DATE MAILED: 02/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/650,380	LENCOSKI, MICHAEL J.	
	Examiner	Art Unit	
	Hemant M Desai	3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parker (5403259) in view of Maida (5365819), and Hurwitz (5538778).

Applicant's claimed invention is drawn to a method, for making a plurality of accordion-folded strips each having a predetermined unfolded length, comprising longitudinally and transversely separating a sheet material into a plurality of strips, folding the strips, and wherein the transverse separation occurs after the longitudinal separation. Dependent claims 2-11 recite, *inter alia*, the separating step comprising supplying a pre-cut sheet of paper having a plurality of cuts and longitudinally severing the sheet material to form a strip or a plurality of strips between the associated cuts; the pre-cut sheet material having longitudinally offset (at a non-zero angle) transverse rows cuts; supplying an uncut sheet material followed by severing to form the pre-cut sheet material; the supplying step including supplying a continuous web of pre-cut sheet material; and the sheet material being e.g. paper.

Parker discloses a method of producing a paper product from a continuous web of paper comprising, *inter alia*, transversely cutting the web of paper to define a leading sheet material portion, separating said portion from the rest of the web, longitudinally

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slitting the leading portion into a plurality of strips, and sequentially accordion-folding said strips. (See Abstract, Col. 1, lines 14-20; Col. 2, line 45 to Col. 3, line 36; Col. 3, line 39 to Col. 4, line 16; Col. 6, lines 5-19; Col. 7, line 9 to Col. 8, line 2; Col. 14, lines 24-45; Col. 23, line 60 to Col. 24, line 61; Col. 25, lines 32-63; Col. 26, lines 29-43; Col. 28, line 22 to Col. 29, line 43; Fig. 15-18). It is the Examiner's position that transverse cutting followed by longitudinal cutting the web is equivalent to longitudinal cutting followed by transverse cutting.

Furthermore, Parker discloses that the length of file strips or cuts may be predetermined and/or manipulated (Col. 13, line 13 to Col. 14, line 5; Col. 21, line 47 to Col. 22, line 51; Col. 23, lines 45-60); that a plurality of layers of sheet material may be supplied at a time in order to subsequently produce a plurality of accordion-folded strips (Col. 5, lines 33-59; Col. 8, lines 15-22; Col. 23, lines 11-44; Col. 25, line 64 to Col. 28); that the sheet material may be recycled (Col. 6, lines 36-69); and that the cuts in the sheet material may be formed at an acute angle (Col. 8, lines 43-64).

Although Parker does not *specifically* disclose pre-cut paper sheets having offset transverse associated cuts, it is well known in the art to do so as shown by Maida (Fig. 1-2; Col. 1, lines 10-17; Col. 3, line 26 to Col. 4, line 38; Col. 7, lines 36-51) and Hurwitz (Fig. 1-2 and 56; Col. 3, lines 11-62; Col. 6, lines 4-17).

In addition, Maida teaches that this form of cutting facilitates the paper material to be expanded into a three-dimensional shape or form which can be used as cushioning or filler material for packaging material. (Col. 1, lines 10-17 and Col. 1, line 57 to Col. 2, line 63)

Therefore, it would have been obvious to a person skilled in the art at the time Applicant's claimed invention was made to incorporate in the method of forming strips the formation of transverse offset associated cuts (such as shown by Maida or Hurwitz) in Applicant's sheet material. One skilled in the art would have been motivated to do so in order to incorporate Maida's teachings and attain a resultant method which produces accordion-folded strips which can be used as cushioning and filler material in packaging.

Conclusion

3. This is a continuation of applicant's earlier Application No. 09/727,631 now abandoned. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hemant M Desai whose telephone number is (703) 308-5830. The examiner can normally be reached on 7:00 AM-5:30 PM, Mon-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on (703) 308-2187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hemant M Desai
Examiner
Art Unit 3721

HMD



Stephen F. Gerrity
Primary Examiner